

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

LARRY ELLIS

PLAINTIFF

v.

NO. 4:08CV74-A-D

LEE SIMON, ET AL.

DEFENDANTS

JUDGMENT

Upon consideration of the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated December 4, 2008, and the December 11, 2008, objections to the Report and Recommendation, the court finds that the plaintiff's objections are without merit and that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court. It is, therefore **ORDERED:**

1. The Report and Recommendation of the United States Magistrate Judge dated December 4, 2008, is hereby **APPROVED AND ADOPTED** as the opinion of the court.

2. The plaintiff's claims against defendants Roger, Kelly, and Epps are hereby **DISMISSED** with prejudice.

3. The plaintiff's claims against defendants Simon, Davis, Williams, Robinson, and Williams shall proceed.

THIS, the 8th day of January, 2009.

/s/ Sharion Aycock
U. S. DISTRICT JUDGE